

RULES AND REGULATIONS GOVERNING PUBLIC UTILITY SERVICE

RULE 8. DISCONTINUANCE OF SERVICE

A. FOR VIOLATION OF RULES AND REGULATIONS

(1) No utility shall discontinue service to any customer for violation of its rules and regulations nor for nonpayment of bills without first having used due diligence to give the customer notice of such violation or delinquency and reasonable opportunity to comply with its rules and regulations or to pay his bills. In no case shall service be actually discontinued until after at least (5) five days written notice shall have been given to the customer by the utility; provided, however, for fraudulent, careless, negligent, or unlawful use of the commodity or service, or where a dangerous condition is found to exist on the customer's premises, service may be discontinued without advance notice. This notice must include a summary of the customer's rights and responsibilities to avoid disconnection as well as the specific date of disconnection. Such notice may be given by the utility by mailing by U.S. Mail, postage prepaid, to the known address of the customer.

(2) No utility shall discontinue service to a residential customer on any Friday, Saturday, Sunday, legal holiday or the day before a legal holiday for nonpayment of bills.

(3) The utility shall reconnect service in a prompt and efficient manner, not to exceed a maximum of 24 hours after payment in full has been received by the utility.

B. PAYMENT OF DELINQUENT ACCOUNTS

(1) A customer shall have the privilege of paying any delinquent account at any time prior to the actual disconnection or turning off of service. Residential customers shall have the right to negotiate with any electrical or natural gas company a deferred payment plan to avoid disconnection of service for a delinquent account.

(2) No utility shall discontinue service to a residential customer for failure to pay a delinquent account if the residential customer have been approved for Low Income Home Energy Assistance Program (LIHEAP) benefits and the notice of the approval has been given to the utility provider.

(3) Whenever a utility dispatches an employee to the premises of any customer for the purpose of discontinuing service for nonpayment, and the payment of such account is made to such employee without service actually being disconnected, a fee of \$1,00 shall be added to and collected as a part of such delinquent account to cover, in part, the cost of dispatching such employee to the customer's premises.

When service has actually been discontinued on account of the failure of the customer to pay a delinquent account or for any other reason without fault of the utility, if the customer desires the service to be restored at the same location, the utility shall require the customer to pay a reconnection charge of \$2.00. The charges as set out in this paragraph and/or the application thereof, may be changed by the individual utility filing a tariff rate schedule, or service rule or regulation covering these charges as provided by law.

C. NOTICE OF DELINQUENCIES Notice of delinquencies as required in Paragraph A of this Rule shall be considered to be given to the customer when a copy of such notice is left with such customer, left at the premises where service is provided, or posted in the U.S. Mail, addressed to the customer at his last known address.

D. CHANGE IN LOCATION OF SERVICE OR PREMISES SERVED When at a customer's request, the utility changes the location or premises at which service is rendered, the service at the new and old locations or premises and the account therefor shall, for the purposes of these rules, be deemed one service and one account and the change of the location or premises to which service is rendered shall not be deemed to affect the rights of the utility with regard to the application of deposit or discontinuance of service for non-payment of the account.

E. MID-WINTER UTILITY SERVICE CUTOFFS FOR ELECTRIC AND GAS RESIDENTIAL CUSTOMERS For the months of December, January, February and March of each year, residential customers who are unable to pay the full amount of their utility bill because of extreme financial difficulty may qualify for mid-winter rule which prohibits disconnection of service in those cases where the customer has complied with the following:

(1) The customer shall inform the utility of the customer's inability to pay the utility bill in full due to extreme financial difficulty and shall, prior to the cutoff time provided in the notice of cutoff (if such notice has been given), deliver to the local office of the utility a copy of the most recent bill along with a signed statement by the customer clearly identifying the service location involved and certifying the existence of the extreme financial difficulty claimed.

(2) Upon receipt of the above, the utility shall be prohibited from disconnecting the customer's service during the months of December, January, February and March if the customer agrees to the following extended payment plan:

(a) First, the customer shall pay the utility in full all amounts due utility on bills rendered to customer prior to November 11th.

(b) Second, the utility shall determine the monthly amount the customer would pay for utility service under the utility's level payment plan as provided for in the utility's filed tariff or by adding the amounts charged to that customer for utility service for the previous twelve (12) months and

dividing the sum by twelve (1 2). If the customer has not received service from the utility for a sufficient period of time to determine a level payment amount for that specific customer, the utility will use a level payment amount for an average residential customer in the same geographical location.

(c) Third, the customer shall enter into a special payment plan, the first payment of which will be due upon execution of the plan, under which the customer shall pay the utility a sum equal to 133% of the levelized billing amount for the customer until such time as all amounts due the utility for previous utility service have been paid and the customer is current in his utility bill. Thereafter, at the option of the utility, the customer may be required to participate in the utility's level payment plan and shall pay the utility each month, the levelized billing amount applicable to that particular customer.

(3) Should the customer enter into an agreement with the utility as set forth above and fail to abide by the terms of that agreement, the utility shall have the right to terminate service to the customer after giving at least five (5) days written notice to the customer. Provided, however, a customer's service shall not be terminated under circumstances during the months of December, January, February or March if the customer has provided the utility with a written statement signed by a licensed physician certifying that the discontinuance of domestic heating service to the customer would create a medical emergency for the customer or any member of the customer's household.

(4) Any customer claiming the benefit of the "medical emergency" exception to this rule shall not have service terminated following the expiration of the midwinter period if, by April 1st following the mid-winter period the customer agrees to pay, and does pay, to the utility a sum equal to 133% of the levelized billing amount provided for above from and after April 1st and until such time as all amounts due the utility for previous utility service have been paid and the customer is current in his utility bill.

(5) All public utilities subject to this rule shall provide and make available to their customers at all offices appropriate forms for use by the customer in certifying the claimed financial emergency or the medical emergency condition. Said forms shall be approved for use by the Public Service Commission. The utility shall issue a receipt to the customer acknowledging receipt of any written notice or other material delivered by the customer pursuant to this rule and, in the event of a dispute between the utility and the customer, the customer's proof of delivery shall be the receipt.

(6) Any customer claiming the privilege of this rule may be required to sign a waiver permitting the utility to obtain income or benefit information from any public or private agency or from any private employer. The utility shall not

divulge this information to any person or entity other than the customer or the Public Service Commission without the consent of the customer.

(7) Notwithstanding any other provision of this rule to the contrary, a customer shall not be allowed to carry forward any unpaid balance due under the provisions of this plan beyond December 1st of the following winter season.

(8) Nothing herein shall prevent the utility and the customer from agreeing on a different payment plan more acceptable to the customer than the plan set forth above.*

F. OTHER EXCEPTIONS TO UTILITY SERVICE CUTOFFS

(1) LIFE THREATENING ILLNESS

(a) No utility shall discontinue service to any residential customer for nonpayment when the company receives written notice from a licensed healthcare provider certifying that discontinuance of service would create a medical emergency for the customer or any member of the customer's household.

(2) NON-UTILITY SERVICE No utility shall discontinue service to any customer for failure to pay the utility for non-utility services or products.

(3) EXEMPTIONS FOR TEMPERATURE

(a) No utility shall discontinue electrical or natural gas service to a residential customer for nonpayment of bills if on the scheduled disconnection day, a hard freeze watch or warning has been issued by the National Weather Service for the county of the scheduled disconnection.

(b) No utility shall discontinue electrical or natural gas service to a residential customer for nonpayment of bills if on the scheduled disconnection day, a Heat Advisory or Excessive Heat Warning has been issued by the National Weather Service or the Department of Health for the county of the scheduled disconnection.

(4) EXEMPTIONS FOR DECLARED EMERGENCIES

(a) No utility shall discontinue service to a residential customer for failure to pay a delinquent account if on the scheduled disconnection there is a declared a state of emergency in the county in which the customer resides.

(b) Upon request, the utility must offer the residential customer a deferred payment plan for bills due during the declared state of emergency.